

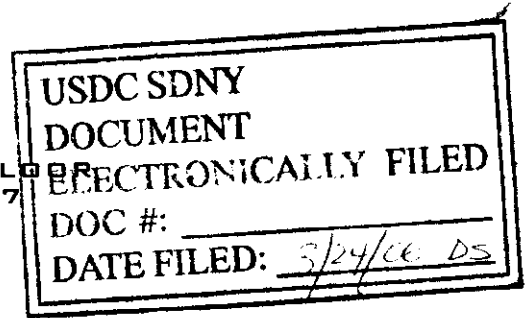
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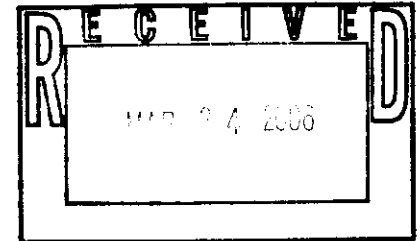
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March 23, 2006

BY FEDERAL EXPRESS

Hon. Ronald L. Ellis
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1970
New York, NY 10007



Re: Merit Capital Group, LLC v. Robert E. Gyemant, et al.
Index No. 04 CV 7690 (RCC) (RLE)

Dear Judge Ellis:

I am counsel for defendants Trio Industries Group, Inc., Trio Industries Management, LLC and Robert E. Gyemant. By March 20, 2006 Order the Court scheduled a pre-trial conference to be held on April 5, 2006 at 11:30 a.m. I am writing, with the consent of all parties, to request an adjournment of the conference date to April 28, 2006. The reason for the request for an adjournment is that I have a previously scheduled court appearance the morning of April 5, 2006 and Marc Rosen, plaintiff's counsel, advises that he has a previously scheduled Court appearance for that afternoon. The next available date for counsel and pro se defendant Evan Daniels was April 28. Part of the trouble finding a new date was that I have a scheduled vacation from April 7 through April 14 and Mr. Rosen has vacation scheduled from April 17 through April 21. Mr. Daniels' first available date during the week of April 24 was April 28. This case is scheduled for mediation on April 18 so an adjournment of the conference to April 28 will give the parties a chance to settle the case, and possibly avoid burdening the Court with the conference.

FRYDMAN LLC

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Thank you for your consideration of this application for an adjournment of the pre-trial conference from April 5, 2006 to April 28, 2006.

Respectfully yours,


David S. Frydman

cc: Marc R. Rosen, Esq. (by fax)
Evan R. Daniels, Esq. (by fax)
Mr. Robert E. Gyemant
Mr. Brian Johanson

*Adjourned to May 2, 2006
at 2:00 pm.*

SO ORDERED

Ronald L. Ellis 3-24-06

Magistrate Judge Ronald L. Ellis